

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Samuel (Reg. No. 24,435) on 5/18/2010.

Examiner Amendments

2. The application has been amended as follows:

3. Claims 26-38 and 41-52 are pending. Claims 26, 48, and 49 are currently amended by the examiner amendments below. Claims 27-38, 41-47, and 50-52 are previously presented as submitted on 2/25/2010.

26. (Currently Amended) A method of for controlling a network, said network comprising:

a first set of two or more network elements and a second set of one or more network elements, ~~two or more of said first elements and one or more of said second elements having~~

wherein each network element of said first set and said second set

comprises an end point element of said network which hosts an agent;

and

a policy controller; and

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an aggregator connected to said policy controller;

said method comprising:

collecting real-time operational information relating to attribute values at two or more agents from said first set of two or more network elements which host said agents;

transmitting, by said two or more agents, said operational information to said aggregator;

processing, by said aggregator, said operational information,

wherein said processing comprises determining and forming two or more groups of network elements, each group including at least one network element from said first set of network elements;

receiving said real-time operational information relating to said attribute values and results of said processing by said aggregator at said policy controller from said aggregator ~~two or more agents from said first set;~~

selecting a policy by said policy controller, without human intervention, based on said real time information relating to said attribute values and said results of said processing by said aggregator, ~~in said policy controller~~ to be implemented by at least a selected group of said groups of network elements ~~one of said second network elements hosting an agent, responsive to the collected real time information from said policy controller;~~ and

enforcing said selected policy on said at least one of said second set of network elements through said agent hosted thereby,

wherein said at least one of said second set of network elements is included in the selected group of network elements, and

wherein said enforcing comprises:

repeatedly collecting, by each agent hosted by said selected group of network elements, updated real-time operational information relating to the attribute values,

receiving, by said policy controller, the updated real-time operational information relating to the attribute values,

transmitting, to each agent hosted by said selected group of network elements in said second set, instructions for performing the enforcement of said selected policy, and

executing, by said agents, hosted by said selected group of network elements in said second set, said instructions for performing the enforcement of said selected policy.

48. (Currently Amended) A system according to claim 26, wherein the policy controller is adapted to verify that each network element belongs to the network before collecting information from the network element.

49. (Currently Amended) A system ~~of~~ for controlling a network, said network comprising:

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a first set of two or more network elements and a second set of one or more network elements, each network element of said first set of network elements and second set of network elements comprising a processor, memory, and a communication interface,

wherein each network element of said first set and said second set comprises an end point element of said network which hosts an agent;

wherein said agents hosted by said first set of two or more network elements are configured to collect real-time operational information relating to attribute values;

wherein each of said agents hosted by said first set of two or more network elements and by said second set of one or more network elements are configured to enforce a selected policy, said enforcing comprising:

repeatedly collecting, by each of said agents, updated real-time operational information relating to the attribute values,

receiving instructions for performing the enforcement of a selected policy, and

executing said instructions for performing the enforcement of said selected policy;

~~two or more of said first elements and one or more of said second elements having an end point element of said network which hosts an agent; and~~

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an aggregator, wherein the aggregator is configured to process operational information received from said agents hosted by said first set of two or more network elements,

wherein said processing comprises determining and forming two or more groups of network elements, each group including at least one network element from said first set of network elements; and

a policy controller,

wherein said policy controller is configured to:

receive said real-time operational information and the results of said processing by said aggregator,

select said selected policy, without human intervention, based on said real time information relating to said attribute values and said results of said processing by said aggregator, to be implemented by a selected group of said groups of network elements,

receive from each agent hosted by the network elements included in said selected group the updated real-time operational information relating to the attribute values,

transmit, to each agent hosted by said selected group of network elements in said second set, said instructions for performing the enforcement of said selected policy.

in which;

~~real time operational information relating to attribute values at two or more agents is collected from said first set of two or more network elements which host agents;~~

~~said real time operational information relating to said attribute values is received at said policy controller from said two or more agents from said first set;~~

~~a policy is selected, without human intervention, based on said real time information relating to said attribute values in said policy controller to be implemented by at least one of said second network elements hosting an agent, responsive to the collected real time information from said policy controller; and~~

~~enforcing said selected policy on said at least one of said second set of network elements through said agent hosted thereby.~~

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:
5. The closest prior art of record, Open e-Security an in "Partner Sales Guide" from Winter 2002 discloses the collection of real-time operation relating to attribute values at two or more agents from said first set of two or more network elements which host said agents, but fails to disclose expressly the functions of selecting a policy, the functions of the aggregator, including the creation of the groups, and the enforcing of the policies, where the policies are enforced on a second set of nodes based on the information collected from a first set of nodes.

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6. Meanwhile, US 2004/0049566 to Mattila discloses details of utilizing a configuration plan to perform operations to modify the settings of a network element. However, Matilla fails to disclose expressly the functions of the aggregator, including the creation of the groups, and the enforcing of the policies, where the policies are enforced on a second set of nodes based on the information collected from a first set of nodes, as well as the collection of the attributes from the agents.

7. Further, no other prior art of record fairly teaches or suggests modifying the disclosures of the prior art of record to include the functions of the aggregator and enforcing the policies on a second set of network elements where the first set of network elements were the elements being monitored.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444